

REMARKS

Reconsideration of the above-identified application in view of the following remarks is respectfully requested.

Claims 1-4 and 6-20 have been rejected as anticipated by Arsikere et al., US 6,424,653. Claim 5 has been rejected as unpatentable over Arsikere et al. in view of Tzidon et al., US 6,127,946.

The Examiner's communication of February 11, 2005, together with the references cited therein, have been given careful consideration. After such consideration, and in an earnest effort to complete the prosecution of this application, the Applicants have set down the following arguments in support of the patentability of claims 1-20 as filed.

To assist the Examiner in reconsidering this application, the following is a presentation based on the language employed in claim 1 when read on the embodiment presented in Fig. 1 herein. Claim 1 recites a method (Fig. 1) for communication within a network. The method includes the following steps: transmitting a data packet as a broadcast signal (107) from a first application node (105) of a first subnetwork (101) to a first gateway node (103) of the first subnetwork (101); transmitting the data packet as a point-to-point signal (108) from the first gateway node (103) to a second gateway node (104) of a second subnetwork (102); and transmitting the data packet as a broadcast signal (109) from the second gateway node (104) of the second subnetwork (102) to at least one application node (106) of the second subnetwork (102).

Anticipation requires a single prior art reference that discloses each element of the claim. W.L. Gore & Associates v. Garlock, Inc., 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983) cert. denied 469 U.S. 851 (1984). For a reference to anticipate a claim, "[t]here must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." Scripps Clinic & Research Foundation v. Genentech Inc., 927 F.2d 1565, 1576, 18 USPQ.2d 1001, 1010 (Fed. Cir. 1991).

The Examiner cites Column 5, lines 14-21 of Arsikere et al. as disclosing the first and the third transmitting steps of claim 1, the first and third devices of claim 9, and the first and third means of claim 16. Since these are two distinct limitations in each of these claims, it is respectfully submitted that Arsikere et al. does not disclose each element of the claims as required by W. L. Gore.

Further, a limitation is inherently disclosed by a reference only if it is necessarily present and a person of ordinary skill in the art would recognize its presence. Crown Operations Int'l Ltd.v. Solutia Inc., 289 F.3d 1367, 1377, 62 USPQ.2d 1917, 1922-1923 (Fed. Cir. 2002). Inherency may not be established by probabilities or possibilities. 289 F.3d at 1377, 62 USPQ at 1923. The mere fact that a certain thing may result from a given set of circumstances is not sufficient. Id. Thus, both the first and third limitations of claims 1, 9, and 16 are not inherently disclosed by Arsikere et al.

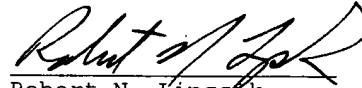
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Consequently, claims 1, 9, and 16, as well as claims 2-8, 10-15, and 17-20 which depend from claims 1, 9, and 16, respectively, are in condition for allowance.

Allowance of the subject application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this election to our Deposit Account No. 20-0090.

Respectfully submitted,



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